

REMARKS

This amendment is offered in response to the Office Action of December 23, 2003.

The Office Action rejected Claims 1-30 under 35 U.S.C. §103(a) as being obvious over the Malin reference (U.S. Patent No. 6,185,907) in view of the Ausnit reference (U.S. Patent No. 4,876,842) or the Belmont reference (U.S. Patent No. 6,427,421).

Claim 1 has been amended to recite:

“means for folding said continuous length of packaging film down the center thereof whereby a second longitudinal half of said continuous length of packaging film is placed over upon said first longitudinal half of said continuous length of packaging film, said consumer products and said continuous supply of zippers” (added language underlined, deleted language omitted)

Similar amendments have been made to independent Claims 11 and 21.

This is quite different from the Malin reference (the primary reference), wherein the folding step takes place prior to the feeding of the zipper, so that the second longitudinal half is not “placed over upon ... said continuous supply of zipper”. The Examiner states in the “Response to Applicant’s Arguments” in the Office Action of December 23, 2004 that “the sequence of the various steps/mechanism .. [is] fully disclosed by the basic reference to Malin.” However, Applicants respectfully submit that the claimed sequence is quite different from the Malin reference in the sequence of the folding step with respect to the step of the feeding of the zipper. This is further quite different from the secondary references, Belmont and Ausnit, which, as stated in the above-identified “Response to Applicant’s Arguments”, were cited to “show the positioning of the zipper near the fold in the film” as the Belmont reference shows the formation of the fold prior to the introduction of the consumer product, the consumer product being

essentially poured into the space between the walls formed by the fold. Similarly, the Ausnit reference discloses product being placed on a central portion of the continuous length of packaging film and the two edges folded over the product to form a fin seal.

It is therefore respectfully submitted that the presently pending claims are patentable over the cited references.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish at the end.

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